

Before the

**FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

)

Acceleration of Broadband Deployment)

Expanding the Reach and)
Reducing the Cost of Broadband)
Deployment by Improving Policies)
Regarding Public Rights of Way)
and Wireless Facilities Siting)

WC Docket No. 11-59

REPLY COMMENTS OF CITY OF SHAWNEE, KANSAS

The City of Shawnee, Kansas files these reply comments in response to the Notice of Inquiry ("NOI"), released April 7, 2011, in the above-entitled proceeding.

The City of Shawnee, Kansas supports broadband deployment and has successfully managed its rights-of-way in pursuit of such services. The City of Shawnee, Kansas has further successfully managed its property to encourage deployment of broadband networks. As a result, broadband service is available to every household and business in our jurisdiction. There is no evidence that our policies or charges with respect to placement of facilities in the rights-of-way or on City property have discouraged broadband deployment. Our City welcomes broadband deployment, and our policies allow us to work with any company willing to provide service. No company has ever cited or alleged our City has ever acted to

discourage broadband deployment or development and no company has alleged or complained our Ordinances have discouraged or interfered with providing a broadband service. We believe our policies have helped to *avoid* problems and delays in broadband deployment by ensuring that broadband deployment goes smoothly for both the providers and the community. Access to our City Right of Way is provided on an equal and fair basis to all users of the Right of Way, and we have adopted Ordinances to ensure equal and fair access.

The Commission should not interfere with these local policies. The City of Shawnee staff has developed considerable expertise applying its policies to protect and further public safety, economic development, and other community interests. By adopting rules in this area, the Commission could disrupt this process at substantial cost to local taxpayers and to the local economy. We believe that a basic respect for federalism, a fair reading of the Constitution and the Communications Act, and an honest assessment of the Commission's limited expertise on local land use matters all point to the same conclusion: this is no place for federal regulation.

The City of Shawnee, Kansas is familiar with the joint Comments filed by the National League of Cities et. al, and would associate itself with the larger policy and legal discussion contained therein and incorporate same by reference in this filing. The City of Shawnee, Kansas is familiar with and expressly joins the Comments filed by the City of Lenexa, Kansas.


The City of Shawnee, Kansas strongly urges the FCC to refrain from regulating local right-of-way management and facility placement processes. These are highly fact-specific matters, which turn on local engineering practices, local environmental

and historical conditions, local traffic and economic development patterns, and other significant community concerns and circumstances. These matters are managed by local staffs with considerable expertise. Imposing a federal regulatory regime would create unnecessary costs for our community, and it would have the potential to undermine important local policies. Likewise, Commission regulation of charges for use of the rights-of-way could have significant impacts on the community, and may actually make it infeasible to continue to maintain or provide important public services.

CONCLUSION

The City of Shawnee, Kansas urges the Commission to conclude that right-of-way and facility management and charges are not impeding broadband deployment. There is no evidence that the local policies or Ordinances have impaired any company from providing broadband service here, and there are many reasons to believe that federal regulations would prove costly and disruptive to our City.

Respectfully submitted,



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